

Insurance and Real Estate Committee Public Hearing

12:30 PM in Room 2C of the LOB Tuesday, February 17, 2009

Testimony by: Joyce E. Fostini, Cheshire CT (103rd Assembly District)
*Proposed Bill No. 5436, AAC AUTOMOBILE LIABILITY INSURANCE
COVERAGE AND GUIDE DOGS.*

My name is Joyce E. Fostini, I live in Cheshire Ct. My medical conditions are Sleep Apnea, Fibromyalgia and insulin dependent diabetes with episodic seizures. I live alone, and Niro, would assist me in getting up at 2 a.m. to test my blood sugar and avoid a low blood sugar resulting in a seizure. Many times without his persistence, I would go back to sleep, especially when my sugar was low.

This past Sept. 17th Niro was leashed and as I picked up my mail, it fell out of my hands at the corner of route 70 where the mailbox is. Niro broke loose from my grip, and darted into the street towards a pit bull that was on my property the day before growling at me. A Fed. Ex truck that was speeding in a 35 mph zone, looking towards the left going west, hit Niro in the head at high impact, Niro was killed approximately 9 a.m. I ran to Niro screamed for Fed Ex to stop and help me, he took off out of my site. Niro weighed 70 lbs., it was difficult to pick him up w/o aid, I brought him to his Vet. I searched out Fed. Ex location & driver, who was responsible. He is employed by Wallingford Ground Office. Fed Ex Insurance Claims refused to pay for Niro and loss of service he provided. The claim examiner, Chris Warren said I didn't have a case, the dog broke the law, despite stating he was a service dog. He commented There is no law broken by Fed Ex to support this claim, it's denied. I am here requesting that the language in the Statutes be more precise, for example changing Guide Dog to Service Animals and to bring about a greater awareness, the Ct State Animal Statutes make no mention of Service Animals or reference to insurance provisions. I spoke to 2 attorneys and Police Dept., that all stated, including the Fed. Ex. Insurance claims manager., that Service Animals hit by a motor vehicle are not covered. The Lawyers, Police dept, and myself were not aware of this coverage, with the exception of Fed. Ex., that would be quite questionable, since I did speak directly to the head of the Insurance Claims Dept. In New Jersey.



5436

COMMONLY ASKED QUESTIONS ABOUT SERVICE ANIMALS IN PLACES OF BUSINESS

1. Q: What are the laws that apply to my business?

A: Under the Americans with Disabilities Act (ADA), privately owned businesses that serve the public, such as restaurants, hotels, retail stores, taxicabs, theaters, concert halls, and sports facilities, are prohibited from discriminating against individuals with disabilities. The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed.

2. Q: What is a service animal?

A: The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government.

Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him or herself. Guide dogs are one type of service animal, used by some individuals who are blind. This is the type of service animal with which most people are familiar. But there are service animals that assist persons with other kinds of disabilities in their day-to-day activities. Some examples include:

- _ Alerting persons with hearing impairments to sounds.
- _ Pulling wheelchairs or carrying and picking up things for persons with mobility impairments.
- _ Assisting persons with mobility impairments with balance.

A service animal is not a pet.

3. Q: How can I tell if an animal is really a service animal and not just a pet?

A: Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed or certified and have identification papers. If you are not certain that an animal is a service animal, you may ask the person who has the animal if it is a service animal required because of a disability. However, an individual who is going to a restaurant or theater is not likely to be carrying documentation of his or her medical condition or disability. Therefore, such documentation generally may not be required as a condition for providing service to an individual accompanied by a service animal. Although a number of states have programs to certify service animals, you may not insist on proof of state certification before permitting the service animal to accompany the person with a disability.

4. Q: What must I do when an individual with a service animal comes to my business?